

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

**CIVIL NO. 3:98CV220**

<b>VONNIE K. AGNER, and wife,</b>	)	
<b>AGNER, <i>et al.</i>,</b>	)	
	)	
<b>This document relates to:</b>	)	
	)	
<b>LEONARD T. HOLT and wife,</b>	)	
<b>SHIRLEY L. HOLT; ERNST</b>	)	
<b>SHEPHERD and wife, PATSY E.</b>	)	
<b>SHEPHERD; and BOBBY E.</b>	)	
<b>STARNES and wife, MYRNA J.</b>	)	
<b>STARNES,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>Vs.</b>	)	
	)	
<b>DANIEL INTERNATIONAL</b>	)	
<b>CORPORATION, f/k/a Daniel</b>	)	
<b>Construction Company, <i>et al.</i>,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

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**THIS MATTER** is before the Court on the response of defense counsel to a directive issued during the pretrial conference held December 13, 2006. The Plaintiffs have failed to respond to that directive.

During the pretrial conference, the undersigned advised Plaintiffs' counsel to submit proposed groupings of Plaintiffs in this action for trial during 2007 on or before December 31, 2006. The Defendants were then to submit their response on or before January 8, 2007. The deadlines passed with no response by either side and as a result, the Court communicated *via* e-mail with the attorneys. In response, defense counsel sent two letters to the Court; Plaintiffs' counsel still has not responded.

**IT IS, THEREFORE, ORDERED** that the following Plaintiffs are scheduled for trial beginning April 16, 2007:

1. Cecil Allman, and his wife, Frances;
2. Michael Bennett, and his wife, Libby;
3. Donald Burleson, and his wife, Betty;
4. Alma Ivery;
5. Charles McDaniel, and his wife, Lois;
6. Charles Menster, and his wife, Vera;
7. Gladys Roberts; and
8. Peggy Rogers.

**IT IS FURTHER ORDERED** that the following deadlines apply to the cases scheduled for trial in April 2007:

1. Depositions of the Plaintiffs must be completed on or before **February 15, 2007;**
2. Plaintiffs shall provide the Defendants with any updating medical review on or before **February 15, 2007;**
3. All prior radiology shall be shared with the Defendants on or before **February 15, 2007;**
4. Any new radiology must be produced digitally;
5. On or before **January 22, 2007**, the Plaintiffs shall execute authorizations for the blanket release of medical records to defense counsel;
6. Reports for retained experts are due from the Plaintiffs no later than **February 28, 2007**, and from the Defendants no later than **March 14, 2007;**
7. Plaintiffs shall identify any product identification or co-worker witnesses no later than **February 15, 2007;**
8. Discovery shall be completed no later than **March 16, 2007;**
9. All motions except motions *in limine* shall be filed no later than **March 16, 2007.**

**IT IS FURTHER ORDERED** that in the event the Plaintiffs' counsel does not comply with the directive previously given, that is, to supply groupings of Plaintiffs for trial on or before January 26, 2007, the Court will issue an order scheduling groups of Plaintiffs for trial terms throughout 2007.

The parties are directed to consult with the other pretrial orders entered herein for matters not specifically addressed by this Order.

Signed: January 12, 2007

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

